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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

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भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

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वित्त मंत्रालय

(राजस्व विभाग)

(हिंदी अनुभाग-2)

नई दिल्ली, 2 जून, 2017

का.आ. 1392.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, राजस्व विभाग के अधीन प्रधान अपर महानिदेशक का कार्यालय, राजस्व आसूचना निदेशालय, दिल्ली आंचलिक इकाई को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/2/2017-हिंदी-II (डीओआर-डीओआर)]

आनंद कुमार, उप निदेशक (राजभाषा)

MINISTRY OF FINANCE

(Department of Revenue)

(HINDI SECTION-2)

New Delhi, the 2nd June, 2017

S.O. 1392.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Office of the Principal Additional Director General,

Directorate of Revenue Intelligence, Delhi Zonal Unit under the Department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/2/2017- Hindi-II (DOR-DOR )]

ANAND KUMAR, Dy. Director (O.L.)

### विद्युत मंत्रालय

नई दिल्ली, 1 जून, 2017

**का.आ. 1393.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन एनटीपीसी लिमिटेड के पश्चिमी क्षेत्र-2 मुख्यालय, चौथा तल, मैग्नेटो ऑफिस, मैग्नेटो दा माल, लाभांडी, जीई रोड, रायपुर-492001 (छत्तीसगढ़), जिसके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं. 11017/10/2013-हिंदी]

अंजू भल्ला, संयुक्त सचिव (प्रशा.)

### MINISTRY OF POWER

New Delhi, the 1st June, 2017

**S.O. 1393.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify WESTERN REGION-II HEADQUARTER, 4<sup>th</sup> Floor, Magneto Offizo, Magneto the Mall, Labhandi, GE Road, Raipur-492001(CG) of the NTPC Ltd. under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No. 11017/10/2013-Hindi]

ANJU BHALLA, Jt. Secy. (Adm.)

### वाणिज्य एवं उद्योग मंत्रालय

#### (वाणिज्य विभाग)

नई दिल्ली, 31 मई, 2017

**का.आ. 1394.**—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) के साथ पठित, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिनरल्स लैब सर्विसेज प्राइवेट लिमिटेड, प्लॉट सं. 28-8-141, पहली मंजिल, थॉमसन गली, पुराने डाकघर के पास, विशाखापत्तनम-530024, आन्ध्र प्रदेश, को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के शासकीय राजपत्र भाग-II, खंड-3, उप खंड(ii) में दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ. 3975 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क समूह-I, अर्थात् लौह अयस्क का निर्यात से पूर्व निम्नलिखित शर्तों के अधीन विशाखापत्तनम पत्तन में उक्त अयस्क का निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

- (i) यह अभिकरण, शासकीय राजपत्र भाग-II, खंड-3, उप खंड(ii) में दिनांक 20 दिसम्बर, 1965 में प्रकाशित अधिसूचना सं. का.आ. 3977 में विनिर्दिष्ट खनिज और अयस्क समूह-I का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा निमित्त नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी; और

- (ii) यह अभिकरण, इस अधिसूचना के अधीन अपने कार्यों के पालन में निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद द्वारा समय-समय पर लिखित रूप में दिए गए ऐसे निर्देशों से आबद्ध होगा।

[फा.सं. के.-डी.ओ.सी.-16/14(7)/2017 - निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

## MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 31st May, 2017

**S.O. 1394.**—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognizes M/s. Minerals Lab Services Pvt. Ltd., Plot No. 28-8-141, First Floor, Thomson Street, near old Post Office, Visakhapatnam – 530001, Andhra Pradesh, as an agency (hereinafter referred to as the said agency), for a period of three years from the date of publication of this notification, for the inspection of Iron Ore specified at serial number 2 under the heading Minerals and Ores – Group I, in the Schedule to the notification number S.O. 3975, dated the 20<sup>th</sup> December, 1965, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 20<sup>th</sup> December, 1965, prior to export of the said Ore at Visakhapatnam Port, subject to the following conditions, namely: -

- (i) the said agency shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection as per procedure specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 3977, dated the 20<sup>th</sup> December, 1965;
- (ii) the said agency in the performance of its function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F.No. K-DoC-16/14(7)/2017- Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

नई दिल्ली, 1 जून, 2017

**का.आ. 1395.**—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) के साथ पठित, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुपरिटेण्डेंस कंपनी इंडिया प्रा० लि०, दवार सं० 22-69-12/1, वसन्ता राव मार्ग, बर्ड-24, रीडिंग रूम के पास, विशाखापत्तनम- 530001, आन्ध्र प्रदेश को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए अधिसूचना सं० का.आ.3975 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क समूह-1, क्रम सं० दो पर निर्दिष्ट लौह अयस्क को निर्यात से पूर्व निम्नलिखित शर्तों के अधीन विशाखापत्तनम पत्तन पर निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

- (i) यह अभिकरण, शासकीय राजपत्र भाग-II, खण्ड-3, उप खण्ड (ii) में दिनांक 20 दिसम्बर, 1965 में प्रकाशित अधिसूचना सं० का.आ. 3977 में विनिर्दिष्ट खनिज और अयस्क समूह-1 का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा निमित्त नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी; और
- (ii) यह अभिकरण, इस अधिसूचना के अधीन अपने कार्यों के पालन में निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद द्वारा समय-समय पर लिखित रूप में दिए गए ऐसे निर्देशों से आबद्ध होंगी।

[फा.सं. के.-डी.ओ.सी.-16/14(8)/2017- निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

New Delhi, the 1st June, 2017

**S.O. 1395.**—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s Superintendence Company of India Private

Limited, Door no. 22-69-12/1, Vasantha Rao Street, Ward-24, Near Reading Room, Visakhapatnam- 530001, Andhra Pradesh, as an agency (hereinafter referred to as the said agency), for a period of three years from the date of publication of this notification, for the inspection of Iron Ore specified at serial number 2 under the heading Minerals and Ores Group-I, in the Schedule to the notification number S.O. 3975, dated the 20<sup>th</sup> December, 1965, prior to export of said Ore at Visakhapatnam Port, subject to the following conditions, namely: -

- (i) the said agency shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection as per the procedure specified in rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 3977 dated the 20<sup>th</sup> December, 1965;
- (ii) the said agency in performance of its function as specified in this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F.No. K-DoC-16/14(8)/2017- Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

### कोयला मंत्रालय

नई दिल्ली, 2 जून, 2017

**का.आ. 1396.**—कोयला धारक क्षेत्र, (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी और भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1224(अ), तारीख 20 अप्रैल, 2017, जो भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (ii), तारीख 20 अप्रैल, 2017 में प्रकाशित की गई थी, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार, उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि सेंट्रल कोलफील्ड्स लिमिटेड, राँची, झारखंड (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, का अनुपालन करने के लिए रजामंद है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के पूर्वोक्त सभी अधिकार केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, तारीख 20 अप्रैल, 2017 से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, व्याज, नुक्सानियों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, उक्त सरकारी कंपनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जायेगा तथा ऐसे किसी अधिकरण और उक्त अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी द्वारा वहन किए जाएंगे और इसी भांति इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के संबंध में या अपीलों इत्यादि विधिक कार्यवाहियों के संबंध में उपगत, सभी व्यय भी सरकारी कंपनी द्वारा वहन किए जाएंगे ;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;

- (4) सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और उक्त भूमि में या उसके पर के अधिकारों के बारे में, इस प्रकार निहित अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कंपनी, ऐसे निर्देशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं।

[फा. सं. 43015/22/2017—एलए एण्ड आईआर]

आर. एस. सरोज, अवर सचिव

**MINISTRY OF COAL**

New Delhi, the 2nd June, 2017

**S.O. 1396.**—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1224 (E), dated the 20<sup>th</sup> April, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 20<sup>th</sup> April, 2017, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and the rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the Central Coalfields Limited, Ranchi, Jharkhand (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said land and the rights in or over the said land so vested shall, with effect from 20<sup>th</sup> April, 2017, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions, namely:-

- (1) the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages, and the like, as determined under the provisions of the said Act;
- (2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government company under condition (1), and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the said Tribunal shall be borne by the said Government company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said land, so vested shall also be borne by the Government company;
- (3) the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said land so vested;
- (4) the Government company shall have no power to transfer the said lands and the rights in or over the said land so vested, to any other person without the prior approval of the Central Government; and
- (5) the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/22/2017-LA &amp; IR]

R. S. SAROJ, Under Secy.

नई दिल्ली, 2 जून, 2017

**का.आ. 1397.**—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) ( जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, भाग II, खंड 3, उप-खंड (i), तारीख, 30 मार्च 2017 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 1004(अ), तारीख 30 मार्च, 2017 के प्रकाशन पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) और भूमि में या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए;

और, केन्द्रीय सरकार को यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, डाकघर संख्या 60, जिला— बिलासपुर—495006, छत्तीसगढ़ (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये तैयार है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमियों में या भूमियों पर के सभी अधिकार तारीख 30 मार्च, 2017 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, सरकारी कम्पनी द्वारा वहन किये जायेंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिये या उसके संबंध में सभी विधिक कार्यवाहियों जिसके अंतर्गत अपील भी है, की बाबत उपगत सभी व्यय भी इसी प्रकार सरकारी कम्पनी द्वारा वहन किये जायेंगे;
- (3) सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;
- (4) सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और उसके अधिकार को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित की जाए, पालन करेगी।

[फा. सं. 43015/19/2017—एलए एण्ड आईआर]

आर. एस. सरोज, अवर सचिव

New Delhi, the 2nd June, 2017

**S.O. 1397.**—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1004(E), dated the 30<sup>th</sup> March, 2017 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 30<sup>th</sup> March, 2017 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, P. B. No. 60, District-Bilaspur-495006, Chhattisgarh (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby direct that all the rights in or over the said lands so vested shall with effect from the 30<sup>th</sup> March, 2017 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely:—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like as determined under the provisions of the said Act;
- (2) A Tribunal shall be constituted under section 14 of the said Act for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings, including appeals, for or in connection with the rights in or over the said lands, so vested, shall also be borne by the Government Company;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested;
- (4) The Government Company shall have no power to transfer the said lands and the rights to any other persons without the prior approval of the Central Government; and

- (5) The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/19/2017-LA & IR]

R. S. SAROJ, Under Secy.

### श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 1 जून, 2017

**का.आ. 1398.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 03/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/11/1995-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st June, 2017

**S.O. 1398.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 03 of 1996) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/11/1995-IR (C-I)]

M. K. SINGH, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

#### Reference No. 03/1996

Employer in relation to the management of Lodna Colliery of M/s. BCCL

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 27/04/2017

### AWARD

By order No. L-20012/11/1995-IR(C-I) dated 27/12/1995, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Lodna colliery in superannuating Sri Ishrail w.e.f. 26/08/1993 is justified? If not, to what relief the concerned workman is entitled to ?”**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1399.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टिस्को के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 132/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/504/1994-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1399.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 132 of 1995) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. TISCO and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/504/1994-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

**Reference No. 132/1995**

Employer in relation to the management of M/s. TISCO Ltd. Jamadoba

AND

Their workman

**Present :** Shri R. K. Saran, Presiding Officer

**Appearances:**

For the Employers : Shri D.K.Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 27/04/2017

**AWARD**

By order No. L-20012/504/1994-IR(C-I) dated 4/5-12-1995, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of M/s TISCO in not giving employment to the dependant of the deceased workman late Ram Nandan Singh because his name had not been enrolled in the company register, is justified? If not, what is the relief admissible in this case?”**



2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workman, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1400.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 267/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/221/1992-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1400.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 267 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/221/1992-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

#### Reference No. 267/1994

Employers in relation to the management of Patherdih Coal Washery of M/s. BCCL

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri S.P. Rakshit, Advocate

State : Jharkhand

Industry : Coal

Dated : 21/04/2017

#### AWARD

By order no. L- 20012 /221/1992 /IR (C-I) dated 16/11 /94, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section ( 1) and sub-section (2A) of section 10 of the Industrial Disputes Act , 1947 referred the following dispute for adjudication to this Tribunal :

#### SCHEDULE

1. “Whether 157 workmen, as per list enclosed, which has been submitted by the secretary, Dhanbad colliery Kramchari Sangh, Patherdih Coal Washery Branch, Dhanbad, have ever worked with the contractor of Patherdih Coal Washery in Transportation of middling grade slurry. If not, who are the workman who have actually worked in the said job.?”
2. “Whether the action of the management of Patherdih Coal Washery under Central Coal Washery Organisation of M/S Bharat Coking Coal Limited in not regularising/departmentalising the workmen who have actually worked as per (i) above in view of Director (Personnel), BCCL’s letter No. DP/PS/91/C/5 dt. 10.09.91 is justified? If not what relief these workmen are entitled to?”

**LIST OF WORKMEN**

<b>SL. No.</b>	<b>Name &amp; Father's /Husband Name</b>	<b>Age</b>	<b>Permanent Address</b>	<b>Present Address</b>
1	Anil Manjhi , S/o- Sri Sraban Manjhi	25	Vill. Parbad, Ghatbeda , P.S Balrampur ( Bengal) , Dist. Purulia	Patherdih Coal Washery Jhopadi , P.O- Patherdih Coal Washery P.S. Jorapokhar Dist. Dhanbad.
2	Maheshwari Devi , W/o- Anil Manjhi	22	-do-	-do-
3	Kale Mahali , S/O- Budhu Mahali	22	Vill. Patheragoda , P.O. Kalidhe , P.S. Kashipur , Dist. Purulia (Bengal)	Patherdih Coal Washery Manjhi Jhopadi ( Dhanbad)
4	Bedani Mahali , Husband- Kalo Mahali	20	-do-	-do-
5	Tara Muni Kisko Father- Late Ram Kisko	26	Vill- Marjangalpur , P.O. Hathikund, P.S. Huda, Dist. Purulia (Bengal)	-do-
6	Ram Balak Yadav, Father- Dukhi Yadav	25	Patherdih hat Talla ( Mngeria Khatal) P.O. Patherdih , Dist, Dhanbad	Patherdih Hat Talla (Mungaria Khatal) P.O. Patherdih, Dist. Dhanbad
7	Ananda Bauri Father- Basu Bauri	26	Vill & P.O- Sendurpur , P.S. & Dist- Purulia ( Bengal)	Patherdih Coal washery Dhanbad
8	Gayatri Bauri	23	-do-	-do-
9	Bhudi Baurin Father –Basu Bauri	22	-do-	-do-
10	Bhaskar Bauri Father- Rasik Bauri	21	-do-	-do-
11	Khikhu Barui Father- Rasik Bauri	24	-do-	-do-
12	Sikhu Bauri Father- Rasik Bauri	26	-do-	-do-
13	Nagender Bauri Father- Lalu Bauri	21	-do-	-do-
14	Shankar Bauri S/o Vilas Bauri	24	Vill. Palma , P.O. Hudakeshavpur , P.O. Huda , Dist. Purulia (Bengal)	Patherdih Coal Washery Manjhi Jhopadi ( Dhanbad)
15	Gurupado Bauri , Father – Vilas Bauri	25	-do-	-do-
16	Ambuj Mahato, Father Aklu Mahato	22	-do-	-do-
17	Rashmuni Murmu , Father Jhari Murmu	24	Vill. Bhuiadih, P.O. Gamharkudi, P.S. Kashipur, Dist. Purulia (Bengal)	Paterdih Coal Washery Kumhar Jhopadi (Dhanbad)
18	Chand Muni Murmu S/O Gosai Murmu	26	-do-	-do-
19	Shiv Bachan Singh Father- Banjhu Singh	26	Vill- Kulmanpur , P.O. Shivpur (Murar) , Dist. Baxur (Bhojpur) Bihar	Patherdih Coal Washery Dhanbad
20	Suresh Kumar Singh ( Supervisor) Father- Ram Bihari Singh	24	Vill. Nandan , P.O. Nandan P.S. Dumrao , Dist. Baxur (Bhojpur)	-do-

21	Ramayan Singh (Superviser) Father-Vishwanath Singh	23	Bokaro Steel City Sec. 6-A , Qr. No. 3382	Mohan Bazar- Patherdih Dhanbad
22	Birender Kumar Singh (Superviser) Father- Sakaldeep Singh	23	Vill. Baswani ( Marohi Tola) Maya Dalipur , P.O. Chorahi , Dist- Baxur ( Bhojpur) Bihar	-do-
23	Surender Singh Father – Jairam Singh	25	Vill. Nandan , P.O. Nandan , P.S. Dumrao B Bhojpur) Bihar	Mohan Bazar- Patherdih Dhanbad
24	Avdesh singh , father- Ramparikh Singh	24	-do-	-do-
25	Shohan Singh , Father- Rishimuni Singh	24	Vill. Nandan, P.O. Nandan P.S. Bumrao, Dist. Baxur ( Bhojpur)	Patherdih Coal washery Dhanbad
26	Baijnath Choudhary, Father- Batai Choudahry	26	-do-	-do-
27	Surender Singh Father- Shyam Bihari Singh	24	Vill. Nahasi , P.O. Bagaa, P.s. Sandeh, Dist. Aara ( Bhojpur)	-do-
28	Anil Mumar Pandey, Father- Laxmi Narayan Pandey	22	Vill. & P.O.- Shri Rampur , P.S. Topchanchi , Dist. Dhanbad	-do-
29	Sunil Kumar Chetrapal Father- Jagdish Prasad Bauri	23	Vill. Bulanbarari No. 6 Ghawada , P.O. Bhulanorarari , P.S. Porapokhar, Dist.Dhanbad	
30	Basant Kumar Singh Father- Shri Dasrath Singh	27	Vill.Sonpura, P.O.+P.S Eatkhori Dist. Hazaribagh	Sudamdih river side,Dhanbad
31	Ghirender kumar Singh , Father- Shri Dasrath Singh	28	Vill. Purani, P.O. Karani (Bhaya Eatkhori) P.S. Eatkhori , Dist. Hazaribagh	-do-
32	Jagdish Singh , Father- Daroga Singh	28	Vill. Keshdihara, P.O. Paar , P.S. Sandesh , Dist. Aara (Bhojpur) Bihar	Patherdih Coal washery Dhanbad
33	Shiv Janam Yadav , father Shiv Bachan yadav	24	Vill. Gaighat, P.O. Gaighat , P.S. Brahampur Dist. Bauxer (Bhojpur)	Domgarh Sindri,Dhanbad
34	Madan Yadav Father- Ramchander Yadav	23	Vill- Hasnagar, P.O.-Haldi , P.S+Dist- Balia ( U.P)	-do-
35	Ramashish Singh , Father- Raj Vallabh Singh	21	Vill. Maidpur, P.O. Naidpur , P.S. Brahampur, Dist. Bauxer (Bhojpur) Bihar	-do-
36	Kashi Yadav , Father- Doine Yadav	22	Vill. Gaighat, P.O. Gaighat , P.S. Brahampur Dist. Bauxer (Bhojpur)	-do-
37	Yamaharaj Yadav Fathe –Daroga Yadav	24	Vill. Dhurhupur, P.O. Dhllupur, P.S. Brahampur, Dist. Baxer (Bhojpur)	--
38	Shambhu Yadav , Father- Sipahi Yadav	22	-do-	-do-
39	Gupteshwar Yadav Father- Sipahi Yadav	20	-do-	-do-

40	Birender Yadav Father- Daroga yadav	20	-do-	-do-
41	Rajkishore singh Father- Rajballabh Singh	21	-do-	-do-
42	Brij Kishore Singh , Father- Raj Ballabh Singh	22	Vill & P.O. Gandpur P.s. Brahapur, Dist. Bauxer (Bhojpur) Bihar	--
43	Sri Sushil Singh , Father- Changi Singh	24	Vill.& Post & Shahpur , Dist. Bhojpur ( Bihar)	--
44	Shri Rameshwar Singh , Father- Suchit Singh	23	Vill. & Post- dulhinganj , P.S. Jagdishpur , Dist. Aara (Bhojpur) Bihar	--
45	Kameshwar Singh Father- Suchit Singh	21	-do-	-do-
46	Laxman Singh Father- Bhudali Singh	22	-do-	-do-
47	Ramji Singh Father- Bhudali singh	23	-do-	-do-
48	Sheopujan Prasad , Father- Doda Prasad	24	Vill. & P.O.— Sonbarasa , P.S. Shahpur, Dist. Bauxer (Bhojpur) Bihar	---
49	Subash Kumar , Father- Bhallu Kumbhakar	22	Vill. Noonudih, P.O. Patherdih , Dist. Dhanbad ( Bihar)	--
50	Manmohan Acharya , Father- mritunjya Acharya	24	Vill. Parsabnia , P.O. Jenagora P.S-Baliapur,Dist-Dhanbad	--
51	Jaideo Vir Father- Polaram Vir	23	Vill. Keshra, P.O. Kenduadih , Post-+Dist- Bakuda, WB	---
52	Rampado Bouri , Father- Rango Bouri	22	Vill. & P.O. Sindurpur P.S. & Dist. Purulia ( W,Bengal)	--
53	Manik Bouri father- Roopa Bouri	22	Vill. Rangamatia Raja basti P.O. Saharpur Dist. Dhanbad	--
54	Haripado Mahto s/o- Jitu Mahto	24	Vill. Tityadih, P.O. Jognabad , P.S.Kashipur Dist. Purulia (WB)	--
55	Hareram Singh Father- Jangali Singh	26	Vill. Dihara, P.O. Aayena P.S. nawanagar, Dist. Bhojpur	--
56	Shivji Singh s/o- Kashinath Singh	24	-do-	--
57	Vinod Kumar Singh Father- Baleshwar Singh	23	-do-	--
58	Ashok Kumar Singh S/O-Ram Bali Singh	21	-do-	--
59	Surender Kumar Singh , Father- Rameshwar Singh	24	-do-	--
60	Jawahar Singh Yadav Father- Shri Devdhari Singh	N.A	Vill.Mohan Bazaar,P.O. Patherdih , Post- Jorapokhar, Dist. Dhanbad	--
61	Ramnath Singh ( Supervisor)	24	-do-	--

	Father- Late Kripal Singh			
62	Vishwanath Singh Father- Late Kripal singh	22	-do-	--
63	Manoj Kumar Vishwakarma S/O- Laxmi Narayan Viswakarma	24	-do-	--
64	Suryakant Sharma S/o Subedar Singh	24	Vill. Qr. No. 1831 D, Traffic Colony, patherdih, Dist. Dhan.	--
65	Radhey Shayam Singh Father- Tejdhari Sigh	24	Vill. Chakia, P.O. Kurkuri Dist. Patna (Bihar)	C/O Tejdhari Singh, Railway out House ( Training house)
66	Deepak Kumar Singh Father- Tejdhari Singh	22	-do-	-do-
67	Ramesh Kumar Singh S/o Late Ram Ekbal Singh	23	Lt. Ram Ekbal Singh, Rupastola Cheddi Singh, P.O. Athmal Gola , Dist. Patna ( Bihar)	--
68	Awadesh Kumar Singh , S/o Late Vikrama Singh	23	Vill. & P.O. Raghunathpur Dist. Bhojpur ( Bihar)	--
69	Jannath Hussain Father- junail Avadih	24	Vill. Sate Avanti Purani Kot P.O. Sato Avanti Chaprang Dist. Rohtas ( Bihar)	Patherdih Coal washery (Dhanbad)
70	Matlub Ansari	26	Vill. Utrolli, P.O. utrolli , Dist. Gajipur ( U.P)	-do-
71	Gholtu Rai Father- Visu Rai	28	Vill. Patherdih Pandey Basti, P.O. Patherdih, P.S. jorapokhar , Dist. Dhanbad	--
72	Manpuran Rai Father- Kailash Rai	26	Vill. Ramdih, P.O. Ajin Joda , P.S. & Dist. Purulia ( W.B)	—
73	Fatik Bouri father- Sanru Bouri	22	Vill. Banbadian, P.O. bhagabandh, P.S., Pada Dist . Purulia ( West Bengal)	--
74	Ashtami Bourin Husband- Mnilal Bouri	26	Vill & P.O. Sendurpur, Dist & P.S. Chasnall, Dist. Dhanbad	—
75	Ashok Bouri Father- Shambhu Bouri	22	Vill.-Chasnall, Indra chok South Colony P.O+P.S- Chasnall Dist- Dhanbad	---
76	Ramkumar Kumbhkar , Father- Basudeo Kumbhkar	20	Vill. Bhatdih, P.O. Patherdih Coal washery Dist. Dhanbad	--
77	Umesh Chander Pandey Father- Jagdish Pandey	24	Vill. Atkadih, P.O. Atka, P.S. Bagodar , Dist. Giridih	--
78	Sanjay Kumar Pandey Father- Sohan Chander Pandey	22	Vill. Shrirampur ( tola badaki Tand) P.O. Shrirampur , P.S. Topchanchi , Dist. Dhanbad	--
79	Sandip Kumar Pandey Father- Sohan Chander Pandey	20	-do-	--
80	Subrat Kumar Sarkar Father- Sajal Kant Sarkar	21	Vill. Gaigada, P.O. Bagudatha, P.S. Patamtha Dist. Singhbhoom	Patherdih Coal washery Railway Tyep-II, 13 Dhanbad
81	Sameer Kumar Data Father- Banku Bihari Data	23	Vill. Katujdi Danga, P.O. Kenduadih, Dist. Bakuda (WB)	--

82	Dasrath Danto Father- Yogendra nath Danto	22	Vill. Banomalipur, P.O. Lodna, P.S. Oanda , Dist. Bakuda,(WB)	--
83	Dharamdas Manjhi Father- Durga manjhi	24	Vill. Chapudi, P.O. Annara R.S. , P.S. pada Dist. Purulia ( WB)	Patherdih Coal washery ( nai Jhopadi) Dhanbad
84	Radhav Rai Father- Sripati Rai	20	Vill. Dosardih, P.O. Annada, R.S. Dist. Purulia ( WB)	Patherdih Coal washery ( Rai Jhopadi) Dhanbad
85	Sitaram Yadav Father- Baiju Yadav	22	Vill. Sahmalpur, P.O. Kazara, P.S. Suryagarh , Dist. Munger	Patherdih Coal washery Qr. No. -F 12, Dhanbad
86	Domal Bouri , Father- Moti Lal Bouri	23	Vill. Dhoba Kashibedia, P.O. Rokani Pada,Dist. Purulia WB	--
87	Ghirain Bouri Father- Susari Bouri	21	Vill. Dosardih, P.O. Annara R.S. Dist. Purulia ( West Bengal)	--
88	Dilip Bouri Father- Sahdeo Bouri	20	-do-	--
89	Shammapado Bouri Father- Kistopado Bouri	22	-do-	--
90	Vidhyasagar Yadav Shri Rajnath Ram	21	Vill. Purana Kathar, P.O. Chokia , P.S. Krishna Bamh, Dist. Bauxer ( Bhojpur) (Bihar)	--
91	Suresh Yadav Father- Mahavir Ram	22	-do-	--
92	Pramod Kumar Singh Father- Shri Dharamdeo Singh	22	Vill. Khaimkaran Sirsa, P.O. Sarai Bux , P.S. Amnor, Dist. – Chappra ( Bihar)	Sudamdih Coal washery , P.O. Sudamdih, Qr. No. M- 142 Dist. Dhanbad
93	Nandlal Singh Father- Mukhdeo Singh	23	Vill. Pipara, P.O. Shri Rheda , PS. Nokha, Dist. Rohtas (Bihar)	Sudamdih River Side P.O. Sudamdih, Dist. Dhanbad
94	Jamuna Bourin husband- jitu Bouri	20	Vill. Bhulan bararee No. 6 Ghawada P.O. Bhulan Bararee, P.S. Jhorapokhar Dist. Dhanbad	--
95	Chhabilal Bouri Father- Lalit Bouri	21	-do-	--
96	Chittranjan Bouri Father- Lalit Bouri	22	-do-	--
97	Shri Sitaram Bouri Father- Sura Bouri	23	Vill. Bulanbaree No. 6, Ghawada, P.O. Bhulan Bararee P.S. Joraphokhar, Dist. Dhan.	--
98	Vijay Modi Father- Nakul Modi	20	-do-	--
99	Ashok Modi Father- Uanu Modi	22	-do-	--
100	Chamku Rai Father- Sitaram Rai	21	-do-	--
101	Sarala Rai W/O- Vishwanath Rai	24	-do-	--
102	Srikant Rai Father- Hari Rai		-do-	--
103	Sani Bhuia father- Singeshwar Bhuia	22	-do-	--
104	Ajit Acharya Father- Mritunjya Acharya	20	Vill. Parasbanian, P.O. Jeenagora, P.S.Baliapur, Dhan	--

105	Ratilal Mahto Father- late. Baga Ram Mahato	26	-do-	--
106	Bashudeo Gorai Fatheri – Late Gowardhan Gorai	24	-do-	--
107	Duryodhan Mahato Father- Gowardhan Mahto	23	Vill. Brahman Badari ( Modi Vimitha) , P.S. Bhulan bararee P.O., Jorapokhar, Dist. Dhanbad	--
108	Raj Kishor Mahato Father- Gowardhan Mahto	21	-do-	--
109	Ganesh Rai Father- Ruplal Rai	22	Vill. Pandeybasti, P.O. Patherdih, P.S. Jorapokhar Dist. Dhanbad	--
110	Gopal Rai Father- Haradhan Rai	23	-do-	--
111	Vikodar Kaisndi Father- Dharm kalindi	25	Vill. Bhulan Bararee no. 6. P.O. Bhulan Bararee P.S. Jorapokhar, Dist. Dhanbad	--
112	Yudhistar Mahto Father- Abhaya Mahto	22	Vill. Kalazar, P.O. Sanajodi, P.S. Kashipur , Dist.Purulia (W.B)	Patherdih Coal washery, Qr. No. F- 141 , Dist. Dhanbad
113	Satyander Singh Father- Ramayas Singh	24	-do-	-do-
114	Bijender Singh Father- Ramayas Singh	24	-do-	-do-
115	Vinod Muramu , Father- Chhutu Muramu	23	Vill. Kadoita, P.O. Chandra, P.S. Chandan kuyari , Dist. Dhanbad	--
116	Ajit Manjhi , Father- Chhutu Muramu	22	Vill. Dwari Mohan, P.O. Lipaina, P.S. – Pada Dist. Purulia ( West Bengal)	--
117	Haru Bouri , Father- Jaidai Bouri	23	Vill. Bhulan bararee No. 6. Ghawada, P.O. Bhulan Baree P.S. Jorapokhar, Dist . Dhanbad	--
118	Geeta Bouri Father- Suku Bouri	25	Patherdih Coal washery Bhaga Ghawada, P.O. Patherdih Dist. Dhanbad	--
119	Charu Wala Ghatwarin	28	-do-	--
120	Sukari Ghatwarin Husband- Jairam Ghatwar	27	Vill. Bhulan bararee No. 6 Ghawada, P.O. Bhulan baree P.S. Jorapokhar, Dist. Dhanbad	--
121	Fulmani Ghatwarin husband- Chhuto Ghatwar	22	-do-	---
122	Kameshwar Pandit Father- Ramkrit Pandit	26	Vill. Chakchitahi. P.O. Rodabandh, P.S. Baliapur, Dist. Dhanbad.	--
123	Arjun Pandey Father- Mohan Pandey	23	Vill. Kaimo, P.O. Loram, P.S. Eatkhori Dist. Hazaribagh	Patherdih Coal wahsery Dhanbad
124	Seadhya Devi husband- Basudeo Goral	23	Vill. Parasbania, P.O. Chilhar, P.S. Sahar Dist. Ara ( Bhojpur)	--

125	Angad Singh Father- Gaya Singh	25	Vill. Kamria, p.O. Chilhar, P/s. Sahar Dist. Aara ( Bhojpur)	Patherdih Coal washery
126	Pramthan bouri Father- bousu bouri	21	Vill. Sandurpur, P.O. Sendurpur P.S. Purulia, Dist. Purulia ( West Bengal)	-do-
127	Bhanu Bourin Husband- Mahesh Bouri	30	Vill. Jhapada ,P.O. Jhapada, P.S. Pada Dist. Purulia (W.B)	-do-
128	Bablu Bouri	20	-do-	-do-
129	Surender Prasad Sah Father- Late Dwarika Prasad Sah	26	Vill. Nunoodih, P.O. Patherdih P.S. Sudamdih, Dist. Dhanbad	--
130	Subodh Ram Father- Hari Ram	28	Vill. Bhulan Bararee No. 6 Goda, P.O. Bhulan Saree P.S. Jorapokhar, Dist. Dhanbad	--
131	Suma Bhuia W/O- Sani Bhuia	26	-do-	--
132	Ahilaya Rai husband- Jairam Rai	24	-do-	--
133	Rajendra Yadav Father- Vishwanath Yadav	25	Vill. Nimanij, P.O. Nimaij P.S. Brahampur , Dist. Bauxer ( Bhojpur)	Chasnalla, Dhanbad
134	Ameresh Kumar Uraf Ganga Sagar	24	Vill. Kharbania, P.O. Bailhari P.S. kouran Sarai Dist. Bauxer (Bhojpur)	Bus Stand, Patherdih Dhanbad
135	Madhusudan Haro ( Supervisor)	24	Vill. Tasara Basti, P.O. Moti Nagar , P.S. Sindari Dist. Dhan.	--
136	Dayanad Prasad Father- Laldhari Prasad	26	Vill. Falka, P.O. Jamalpur, P.S. Jamalpur, Dist. Munger	Patherdih Coal washery Dhanbad
137	Bulu kumar Mishra Father- Srikant Mishra	22	Vill. Karnamepur, P.O. Karnamepur , P.S. Brahampur, Dist. Bauxer (Bhojpur)	Sudamdih, Dhanbad
138	Rammani Pandit Father Sahdeo Pandit	21	Vill. Lalchah, P.O. Kathara Dist. Allahabad ( U.P)	Sudamdih main Colony Dhanbad
139	Najama Khatoon Father- Md. Hussain	22	Vill. Asurbandh ( Bhailatand), P.O. Deoli P.S. Parmal, Dist. Purulia ( west Bengal)	Baterdih Coal washery Dhanbad
140	Anant Kumar Mahatha Father- Rampad Mahatha	22	Vill. Pathahdih, P.O. Galgaltand P.S. Chandan kiyari, Dist. Dhanbad ( Bokaro)	--
141	Satyender urf. Shalilash	23	Vill. Madia, P.O. Salsala,P.S. Nawanagar	-do-
142	Thandi Bourin	26	Vill. Sindurpur, P.O. Sindurpur, , P.S.&Dist. – Purulia (WB)	-do-
143	Jiwan Mahato Father- Govinda Mahato	26	Vill. Kusumjodia, P.O. Kusumjodia P.S. huda, Dist. Purulia ( west Bengal )	-do-
144	Mathur Mahato , Father- jhari mahato	23	Vill. Kalha Jhor, P.O. Sona Jodi P.S. Kashipur, Dist.Purulia(WB)	-do-
145	Umesh Kumar Singh	22	Vill. Munda Majhona, P.O. Dasholi Dist. Siwan	-do-



146	Jhirangu Yadav ( Brangu Yadav (Supervisor) Father. Sipahi Yadav	25	Vill. Ghuruhpu, P.O. Gaighat P.S. Srahampur, Dist. Bauxer (Bhojpur)	Domgarh Sindri, Dhanbad
147	Md. Mustak Ansari Father. Lat. Abdul Latif	26	Vill. Baganpur, P.O. Bararee, P.S. jorapokhar , Dist. Dhanbad	--
148	Anil kumar Ojha father- Rameshwar Ojha	25	Vill. & P.O. – Kharhatand, p.s, Simrch , Dist-. Bauxer Bhojpur	Patherdih Coal washery Dhanbad
149	Manoj kumar Ojha	20	Vill. & P.O- kharhatand, P.S. Simri, Dist. Bhojpur	Patherdih Coal washery Dhanbad
150	Bnaglrath urf, jyotish Singh Father-Brij Bihari Singh	23	Vill. Amsari, P.O. Dumrao, Dist. Dhanbad	--
151	Ajay kumar Singh , Father- Ayodhya Singh	23	Vill. Amsari, P.O. Dumrao, Dist. Bauxer ( bhojpur)	Chasnalla, Dhanbad
152	Sriprakash Singh , Father Late. Janardan Singh	24	Vill. P.O. Chasnall, P.S. Jorapokha Dist. Dhanbad	--
153	Ravinder kumar Das (Supervisor) Father- Kulpati Das	30	Ravinder kumar , C/O Parashar Trading mirazapur Chowk, Durbhanga 846004	Domgarh, Sindri Dhanbad
154	Ram kewal Sao Father- Shiv Charan Sao	24	Vill.Bibipur, P.O. kurkuri, Dist. Patna	Mohan bazaar, Patherdih
155	Gurupadeo manjhi , Father- Shankar Manjhi	24	Vill. & P.O. fusrabandh, P.S. Pada Dist. Purulia (WBI)	Patherdih Coal washery Dhanbad
156	Sagar Modi , Father- Deuo modi	20	Vill. Dwari Mohan, P.O. lipniya, P.s. Pag , Dist. Purulia (W.B)	-do-
157	Mahesh Bouri Father- dholu Bauri	32	Vill. & P.O. Jhapada, P.S. Pada Dist. Purulia	-do-

2. The case is received from Ministry of Labour on 24.11.1994. The workman files written statement on 12/17.01.1995. But the management files their written statement on 26.09.1995. One witness examined on behalf of the management . But three witnesses examined on behalf of the workman. Documents of workman marked as exhibit W-1 to W-55.

3. The case of the Sponsoring Union is that the in process of washing small coal particles escape from washery in the form of slurry along with water and the same are deposited in the slurry ponds constructed for their storage by the washery. A large amount of coal remain in the prohibited area with in the premises of washery. This coal is known as middling dirty slurry which is between 10% to 20% of the coal brought to the washery. Middling coal is despatched in Thermal power plants, and others particles but fine slurry is despatched to Steel Plants. But when the pond are full, the slurry overflows and mixed with river water of Damodar. After the water is soaked by the soil the small particles of coal get deposited in the river bed. These particles are collected and sold to different bulk purchasers for making of briquetes which are sold for energy and fuel purpose.

4. It is further submitted by the Sponsoring Union that all such activity of extracting or obtaining mineral, comes within the scope of irrespective of the fact whether such activity is carried out on earth surface or on levels of each, extracting or lifting of slurry deposited in river bed or on land falls within the expression of mining operations this process is a permanent and regular nature of job.

5. It is further submitted by the Sponsoring Union that before 17<sup>th</sup> August 1990 the state of Bihar used to give lease of the land and make settlement with different persons/parties for obtaining slurry on payment of royalty to the state, which was challenged in the High Court and ultimately in the Hon'ble Supreme Court by M/s. BCCL it is held that slurry was coal and obtaining/extracting slurry was mining operation and also that the state of Bihar has no jurisdiction under the law of levy royalty or settle land on lease hold basis and M/s. BCCL is the owner of the slurry.

6. It is also submitted that the washery used to get the middling grade slurry of the washery transported by contractors who were employed from time to time for transporting of middling grade slurry. These concerned workmen were used to be employed by contractors. It is also mentioned that contractors were changed but the workmen were not changed by different contractors. Although the workmen were working through contractor employee of the Patherdih coal Washery and were employed for the work of the Washery. The contractors have comafage and payment were made to the workmen through Contractors.
7. The concerned workmen have been employed in the coal washery for transporting of middling grade slurry since 1988 and they have each completed 240 or more attendance in one clender year till 1991. They have been working under the supervision and control of the management. But the management retrenched the workmen concerned without complying the provision of 25 of the I.D Act.
8. The workmen were employed by the Patherdih Coal washery through Shivpur Kharikabad Kalajore Sramik Sahyog Samiti Ltd . which is a Co-operative Society registered under Co-operative simits Act and those workmen enter the plant premises for transporting of middling grade slurry.
9. It is also submitted by the Sponsoring Union that the Patherdih coal washery who were employed in fine coal Slurry removal were departmentalised 184 workmen by different Office orders but did not consider the case of middling grade slurry workmen concerned.
10. On the other hand the case of the management is that there is no employer-employee relationship ever existed between the management and the concerned persons named in the list enclosed to the order of reference.
11. It is also submitted by the management that Patherdih Coal Washery, transport of middlings was not being effected through any contractor. Washery contractor were engaged different workers on transport of middling from the washery to the railway siding.
12. They deployed the tripping trucks or dumpers on the job of transportation of middlings for the purpose of loading the middling into truck or dumper. They generally deploy contract labour and some places they deploy pay loaders for doing the job of loading of middling into the dumper. It is also submitted that all concerned workmen are not the genuine workmen of any contractor and most of them are job seekers only. Their demand for their regularisation on the roll of the company is without any merit and they are not entitled to any relief.
13. Short point to be decided in the case is whether the contract workmen are to be regularised in the BCCL or not.
14. The claim of the workmen and Sponsoring Union that the workmen were engaged in removing slurry of the mines and have been rendering services regularly. On the other hand the management submitted that they taking into account the length service and genuinely of the workmen regularised 142 workmen and rest are not real workmen nor fulfill the creteria fixed by them.
15. Here before me workmen also failed to prove from which previous year they completed 240 days works in the management they failed to produce, any identity card either signed by the contractor or management. they have filed the photocopy of attendance sheet which are illegible and doubtful. Since the identity of the worman is doubtful and they unable to produce any appointment letter , identity Card and salary slip , this Tribunal is not convinced that the workmen rendered service to BCCL for more than 240 days in a calender year so that they will be regularise.
16. It appears from records that the order of reference relate to 157 workmen but during proceeding of this case the Sponsoring Union files only 46 workmen's photograph with their affidavit alongwith voter I.D Card, and the Union also submits that rest workmen's documents are not available. The voter I.D card is not relevant for this purpose.
17. On perusal of cross-examination WW-1 it is says that the workmen were working in the colliery through Kalajor Co-operative Society, but I have no idea regarding that Co-operative Society. whereas in the Cross - examination of WW-2 says that I do not have any appointment letter, ID Card or pay slip of the management. But it is a fact that the pay slip I have filed of Co-operative Society. I have not filed any paper that I am member of Co-operative Society.
18. The cross-examination of WW-3 is very contradictory, he says that I enrolled as Advocate in Dhanbad Bar in 2004 as regular student of Dhanbad Law College. He passed in 2003, but he also says that he passed BA as regular student in 2006. He say that, I was a member of that society from 1988 but I have no Identity Card. On close scrutiny, it is found that he was 39 years as on 21.08.2014 that on calculation, in 1988 he was only 13 years on that point of time, and he says he was working in slurry pond of washery. It creates doubt. Evidence of all the witnesses of the sponsoring Union are very contradictory with each other.
19. Considering the facts and circumstances of this case, I hold that the 157 workmen, as per list enclosed with order of reference ,have not worked with the contractor of Patherdih Coal Washery in Transportation of middling grade slurry continuously, and the action of the management of Patherdih Coal Washery under Central Coal Washery

Organisation of M/s. Bharat Coking Coal Limited in not regularising/departmentalising the workmen is fair & justified. Hence they were not entitled to get any relief, as they failed proved their claim.

This is my Award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1401.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 58/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/177/1994-आईआर (सी -I) ]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1401.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 58 of 1995) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/177/1994-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

#### Reference No. 58/1995

Employers in relation to the management of Block II Area of M/s. BCCL

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 20.04.2017

#### AWARD

By order No. L-20012/177/1994-IR(C-I) dated 12.06.1995, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

**“ Whether the action of the Chief General Manager, Block II Area, M/s. BCCL, P.O. Nawagarh (Dhanbad) in denying to promote S/Shri Darogi yadav and 9 others, Fitter helpers ( as per annexure below ) in Gr. D and subsequent Gr. C is justified? If not, to what relief are the concerned workmen entitled?”**

**ANNEXURE**

- |                            |                        |                       |
|----------------------------|------------------------|-----------------------|
| 1. Shri Darogi Yadav,      | 2. Rameshwar Pd. Singh | 3. Shyamal Pd. Singh  |
| 4. Mahender Gahlot         | 5. Bijoy Kr. Paswan    | 6. Nandkishore Pd.    |
| 7. Krishnamurari Pd. Yadav | 8. Ramesh Kr. Mondal   | 9. Chandrashekhar Pd. |
| 10. Lakhanlal              |                        |                       |

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workmen, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1402.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 11/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/439/2001-आईआर (सी -I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1402.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 11 of 2002) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/439/2001-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

**Reference No. 11/2002**

Employer in relation to the management of Regional Workshop of M/s. CCL

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 25.04.2017

**AWARD**

By order No. L-20012/439/2001-IR(C-I) dated 10/01/2002, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Regional repair workshop of M/s CCL Tapin north to pay less pay than his juniors to sh. Iliyash Topo is justified? If not, to what relief is the workmen concerned entitled ?”**

2. After receipt of the reference, both parties are noticed. But none appearing on behalf of the workman. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1403.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एअर इण्डिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ संख्या 1/48 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-11012/11/2003-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1403.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai (Ref. No. 1/48 of 2003) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. Air India Ltd. and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-11012/11/2003-IR (CM-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI**

**PRESENT :** Justice Surendra Vikram Singh Rathore, Presiding Officer

**REFERENCE NO. CGIT-1/48 OF 2003****Parties:**

Employers in relation to the management of Air India Ltd

**And**

Their workman (Shri A.J. Texeria)

**Appearances :**

For the Management : Mr. Lancy D'Souza, Adv.

For the workman : Mr. M.B. Anchan,

State : Maharashtra

Mumbai, dated the 1st day of March, 2017

**ORDER ON APPLICATION DATED 22.5.2007 FILED ON 13.6.2007 BY THE MANAGEMENT OF AIR INDIA ARISING OUT OF REF. NO. CGIT-1/48 OF 2003.**

1. By means of the aforesaid Reference the following question was referred.

*“Whether the action of the management of Air India Ltd in dismissing Shri A.J. Texeria w.e.f. 2001 is legal and justified? If not, to what relief is the workman entitled?”*

2. During the pendency of the instant Reference referred above, an application was filed on behalf of the Air India stating therein that the Dismissal Order has been upheld by the National Industrial Tribunal and Enquiry Proceedings

have been replaced by the National Industrial Tribunal holding de novo enquiry, thus the Reference is not maintainable and it be rejected.

3. Objections on behalf of the workman to this application have also been filed wherein it is admitted that the Dismissal Order has been upheld by the National Industrial Tribunal and the Enquiry Proceedings have been replaced by the de novo enquiry. On behalf of the workman a decision of the Honourable Supreme Court in the case of G.M.Tank vs. State of Gujarat 2006 SCC page 1121 has been relied upon and on the strength of this case law, it is submitted that the above reference is maintainable as the workman has been acquitted in criminal case.

4. A brief history of the earlier Approval Application is that an Application under Section 33(2)(b) of the Industrial Disputes Act, 1947 was moved on behalf of the Management for Approval of the action of imposing the punishment of Dismissal from Service. It transpires from the perusal of the record that by Judgment Part-I dated 14.1.2004 the Departmental Enquiry was set aside. However, option was given to the Company to prove the charges before the Tribunal. Thereafter, a de novo enquiry was held before this Tribunal and vide Judgment dated 5.3.2004 (due to mistake date of judgment was mentioned as 5.2.2004 which was corrected by the Order of the Tribunal dated 21.4.2004) the Tribunal reached to the conclusion that the charges framed against the workman stands proved and accordingly granted approval to the Order dated 1.3.2001 under Section 33(2)(b) of the Act. During pendency of the above Approval Application, instant Reference was made on 18.8.2003. Statement of Claim and Written Statement of the Company were filed. Thereafter the above mentioned Application was moved which is under consideration.

5. Submission of the learned counsel for the Management is that it is not a case where the Tribunal approved the Enquiry conducted by the Department but Tribunal has itself conducted de novo Enquiry and has found the charges to be proved. Therefore, it is submitted that this Tribunal is not sitting in Appeal against its own Order whereby the Dismissal Order was approved.

6. In reply to the citations referred in the objections filed on behalf of the workman, learned counsel for the Air India has drawn the attention of this Tribunal towards several Case Laws which shall be dealt with at the relevant part of this Order.

7. In the case of G.M.Tank (supra), relied upon by Learned Counsel for workman the allegation against G.M.Tank was that he was found in possession of the property disproportionate to his known sources of income. An enquiry was conducted in this regard and simultaneously a criminal case was also registered under the Prevention of Corruption Act. The Criminal case and Departmental Enquiry were based on the same set of evidence. G.M.Tank was held guilty while he was acquitted on the strength of the same evidence in the criminal case. The witnesses who were examined in the Departmental Enquiry were the same who were examined in the Criminal Trial and after appreciation of the evidence the criminal court acquitted the accused. In that perspective, the Honourable Apex Court has concluded in paragraph 32 as under:

*“On the basis of the same charges and the evidence, the Department passed an order of dismissal on 21.10.1982 whereas the Criminal Court acquitted him on 30.1.2002. However, as the Criminal Court acquitted the appellant on 30.1.2002 and until such acquittal, there was no reason or ground to hold the dismissal to be erroneous, any relief monetarily can be only w.e.f. 30.1.2002. But by then, the appellant had retired, therefore, we deem it proper to set aside the order of dismissal without back wages. The appellant would be entitled to pension.”*

8. Now we come to the facts of the instant case. In this case, the Departmental Enquiry was set aside and a de novo enquiry was conducted by this Tribunal itself. In the said de novo enquiry A.S.I. Mahadeshwar who had recorded the confession of the workman made a panchanama of the same and also made recovery of 21 Ball Bearings which were used in the Boeing Aircraft wheels from the house of the workman which was the property of Air India. He has also recorded several statements and he has also deposed that the said Ball Bearings were given by the accused to one Mahesh Parab for sale. Since Mahesh Parab could not get any suitable buyer, therefore, he returned the said stolen property to the accused. Apart from this one, Siddharth Banerjee, an Officer who had lodged the F.I.R. in this case was also examined. On the basis of evidence of A.S.I. Mahadeshwar in the Departmental Enquiry, this Tribunal found the workman to be guilty.

9. Now, coming to the criminal case, in criminal case under section 381 IPC one Girish Sitaram Choudhary was examined who has not supported the case of prosecution. The copy of the judgment has been filed on behalf of the workman which shows that the notices were issued to Siddharth Banerjee and other witnesses but their presence could not be procured. So for want of evidence, the workman was acquitted in Case No. 947/P/99 vide judgement dated 2.2.2011 and was acquitted under Section 381 IPC. In the other connected case one Arjun Awad, Nilesh Sony and Vasant Shinde, and Ramesh Kulkarni were examined who have not supported the case of prosecution so their evidence was not material. The evidence of PW-5 Vilas Gangavane who had investigated the case has been discarded because the panchanama and other papers were not properly proved and accordingly he was acquitted for the offence under Sections 380, 447, 448 IPC. Therefore, it is clear from the facts of the instant case that the witness examined in the

criminal case and the Departmental Enquiry were entirely different and were not the same as was in the case of G.M.Tank. Therefore, in the facts of the instant case, the case law of G.M.Tank is of no help to the workman as the facts are different.

10. Now we come to the case law relied upon by the Management. In the case of Bengal Bhatdee Coal Company vs. Ram Prabesh Singh & Ors 1963 I LLJ 291. The facts were as under:

In the reference under S.10 of the Industrial Disputes Act of the industrial dispute in regard to the dismissal of the concerned workmen the industrial tribunal did not find that the domestic enquiry was improper or unfair. However, on the following facts the industrial tribunal found that the concerned workmen were victimized and that the punishment of dismissal was disproportionate to the misconduct leveled against them and consequently it directed reinstatement of the concerned workmen but without back wages. The industrial tribunal found that the concerned workmen had nearly put 10 years of clean service. Some of them were protected workmen and some of them were active members of the trade union and the relationship of the employer and the union was not cordial. Further under the standing orders the misconduct entailed punishment of fine, suspension or dismissal of the workmen. Hence the extreme punishment of dismissal was disproportionate to the misconduct and hence unconscionable.

In this factual background Hon'ble Apex Court has observed as under:-

*"In the present appeal, the appellant contends that there was no evidence to justify the conclusion of the tribunal that the dismissals were an act of unfair labour practice or victimisation. We are of opinion that this contention of the appellant must prevail. The tribunal was not unaware of the fact that where a domestic inquiry is held properly, the tribunal does not sit in appeal on the findings of the domestic tribunal and it can only interfere with the punishment inflicted as a result of the domestic inquiry where there is want of good faith or basic error or violation of the principles of natural justice, or where the findings are perverse or baseless or the case is one of victimisation or unfair labour practice. We have already indicated that the tribunal did not find that there was any basic error or violation of the principles of natural justice in the holding of the inquiry; nor did it find that the findings of the inquiry officer were perverse or baseless. It could hardly do so in the face of its own approval of the action taken on applications made to it under s. 33 (2) (b) of the Act, for if it had found that the inquiry was not proper, it would not have approved of the action taken against the workmen by the appellant when it was approached under s. 33 (2) (b). We must therefore proceed on the assumption that the inquiry was held properly and the inquiry officer who held the inquiry was justified on the evidence before him in coming to the conclusion which he did, namely, that the charges had been proved."* (emphasis added)

11. In the case of Indian Airlines, Mumbai vs. Prakash R. Parab 2006 I CLR 938 – Bombay High Court

An application was simultaneously moved under Section 33(2)(b) of the Industrial Disputes Act, 1947 before the National Industrial Tribunal seeking approval of the action taken. The approval was granted on 9th May, 1999 holding that the action taken by the petitioner-company in dismissing the respondent was proper. Dispute then were taken in conciliation. A reference was made to the National Tribunal in the matter of the industrial dispute, of dismissal. A preliminary issue was framed as to the validity of the enquiry. The Learned Tribunal by its order dated 28th May, 2002 was pleased to hold, as stated earlier, that the enquiry conducted was not fair and proper and is vitiated and accordingly directed the petitioner to lead evidence de novo before it."

In these perspective, Honourable Bombay High Court observed in paragraph 6 as under:

*"The law as settled is that an enquiry if not conducted in compliance with the provisions of the standing orders and other rules applicable and in violation of the principles of natural justice and fair play, the enquiry would stand vitiated. Therefore, the National Tribunal while considering the application for approval has to apply the same test which the National Tribunal has to consider on a reference made to it and while answering the pending issue, whether the enquiry conducted was fair and proper. That being the case it can safely be said that it was not open or within the jurisdiction of the Tribunal to once again answer the same issue as it would be bound by the principle of issue estoppel. The principle of estoppel would require that the party against whom the issue is answered by a competent forum would be estopped in raising the same issue which was raised in the earlier proceedings between the same parties and dealing with the same issue. The second contention therefore also will have to be held in favour of the petitioner by holding that it was not within the jurisdiction of the Industrial Tribunal to once again answer the very same issue."* (underlined by me)

12. In the case of Lalla Ram vs. Management of D.C.M. Chemical Works Ltd 1978 Lab. I.C. 716 – Supreme Court, the Honourable Apex Court has considered the scope of enquiry by the Tribunal and has observed in para 12 as under:

*“The position that emerges from the above quoted decisions of this Court may be stated thus : In proceedings under section 33(2)(b) of the Act, the jurisdiction of the industrial Tribunal is confined to the enquiry as to (i) whether a proper domestic enquiry in accordance with the relevant rules/Standing Orders and principles of natural justice has been held; (ii) whether a prima facie case for dismissal based on legal evidence adduced before the domestic tribunal is made out; (iii) whether the employer had come to a bona fide conclusion that the employee was guilty and the dismissal did not amount to unfair labour practice and was not intended to victimise the employee regard being had to the position settled by the decisions of this Court in [Bengal Bhatdee Coal Co. v. Ram Probesh Singh](#)(1), [Titaghur Paper Mills Co. Ltd. v. Ram Naresh Kumar](#)(2), [Hind Construction & Engineering Co. Ltd. v. Their Workmen](#)(3), [Workmen of Messrs Firestone Tyre & Rubber Company of India \(P\) Ltd. v. Management & Ors](#)(4), and [Eastern Electric and Trading Co. v. Baldev Lal](#)(5) that though generally speaking the award of punishment for misconduct under the Standing Orders is a matter for the management to decide and the Tribunal is not required to consider the propriety or adequacy of the punishment or whether it is excessive or too severe yet an inference of mala fides may in certain cases be drawn from the imposition of unduly harsh, severe, unconscionable or shockingly disproportionate punishment;*

*(iv) whether the employer has paid or offered to pay wages for one month to the employee and (v) whether the employer has simultaneously or within such reasonably short time as to form part of the game transaction applied to the authority before which the main industrial dispute is pending for approval of the action taken by him. If these conditions are satisfied, the Industrial Tribunal would grant the approval which would relate back to the date from which the employer had ordered the dismissal. If however, the domestic enquiry suffers from any defect or infirmity, the labour authority will have to find out on its own assessment of the evidence adduced before it whether there was justification for dismissal and if it so finds it will grant approval of the order of dismissal which would also relate back to the date when the order was passed provided the employer had paid or offered to pay wages for one month to the employee and the employer had within the time indicated above applied to the authority before which the main industrial dispute is pending for approval of the action taken by him.*

13. In the case of Divisional Controller, Karnataka State Road Transport Corporation vs. M.G.Vittal Rao (2012) 1 Supreme Court Cases (L&S) 171, the Honourable Apex Court has considered the effect of acquittal in criminal case and the result of the Departmental Enquiry. After considering large number of case laws on this point Hon'ble Apex Court has concluded in paragraph 24 and 25 as under:

*“24. Thus, there can be no doubt regarding the settled legal proposition that as the standard of proof in both the proceedings is quite different, and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in criminal case cannot be the basis of taking away the effect of departmental proceedings. Nor can such an action of the department be termed as double jeopardy. The judgment of this Court in [Capt. M. Paul Anthony](#) (supra) does not lay down the law of universal application. Facts, charges and nature of evidence etc. involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry.*

*“25. Once the employer has lost the confidence in the employee and the bona fide loss of confidence is affirmed, the order of punishment must be considered to be immune from challenge, for the reason that discharging the office of trust and confidence requires absolute integrity, and in a case of loss of confidence, reinstatement cannot be directed. (Vide: [Air India Corporation Bombay v. V.A. Ravellow](#), AIR 1972 SC 1343; [Francis Kalein & Co. Pvt. Ltd. v. Their Workmen](#), AIR 1971 SC 2414; and [Bharat Heavy Electricals Ltd. v. M. Chandrashekhar Reddy & Ors.](#), AIR 2005 SC 2769).”*

In this case Hon'ble Apex Court has also considered the case of G M Tank (supra)

14. In the light of the aforementioned principle of law, the facts of instant case were considered. A denovo enquiry was conducted by this Tribunal itself and on the basis of evidence of the arresting witness and on the basis of documents prepared by him, this Tribunal held that the Workman to be guilty while the said witness was not even examined in the criminal case. Apart from it, this reference was made in the year 2003. The objections on behalf of the Air India were raised in the year 2007. Judgment of acquittal in Criminal case was pronounced in the year 2011 and reply to the objections was filed in the year 2015. In the facts of the instant case, this Tribunal has itself held an enquiry and found the workman to be guilty on application for approval of the Dismissal Order. Now the same question is raised in this Reference. In my considered opinion this Tribunal is not sitting in Appeal against the enquiry conducted by itself. Even otherwise keeping in view the fact that the witnesses examined in criminal case were different and the documents were not properly proved in criminal case therefore the acquittal of the workman would not render him any help to the workman. It is also a case of loss of confidence. The workman had stolen 21 Ball Bearings which was the property of the Air India and the same were recovered from his house. Memo of recovery was prepared and his confession was also recorded. Standard of proof in a criminal case and Departmental Enquiry are entirely different.



Since this Tribunal has itself found the workman to be guilty and in the said de novo enquiry workman was given full opportunity to defend him. Therefore, in my considered opinion there is no use in keeping this reference pending as it would amount to sitting in Appeal against the conclusion of the Enquiry conducted by this Tribunal itself. Hence this Application deserves to be allowed and it is hereby allowed.

15. Accordingly, this Reference is hereby answered as under:

*“The action taken against the workman is hereby confirmed as no other view or conclusion can be arrived at by this Tribunal. Hence, there is no use in keeping this old Reference pending and accordingly this Application is hereby stands disposed of and the Reference is answered in affirmative”.*

JUSTICE S. V. S. RATHORE, Presiding Officer

**BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT MUMBAI**

**REFERENCE NO. CGIT-1/48 OF 2003**

Employers in relation to the ... First Party  
Management of Air India Ltd.

V/s

Their Workman (A. J. Texeria) ... Second Party

**APPLICATION FOR DISMISSAL OF THE AFORESAID REFERENCE**

MAY IT PLEASE THIS HON'BLE COURT :

The First Party submits as under :

1. The First Party submits that the First Party has made an Approval Application being Approval Application No. NTB-28 of 2001 and the Hon'ble Tribunal vide its Order dated 5<sup>th</sup> day of February, 2004, has granted approval to the Dismissal Order dated 01.03.2001.
2. The Dismissal Order has been upheld by the National Industrial Tribunal and the enquiry proceedings have been replaced by National Industrial Tribunal's de-novo enquiry and thus, the reference is not maintainable.
3. In view of the said judgement, the present reference may be rejected.

Place : Mumbai

Date : 22.05.07

For Air India  
B. D. ADSUL,  
Asst. General Manager (Admin.)  
Engineering Admin.  
Air India

नई दिल्ली, 1 जून, 2017

**का.आ. 1404.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 35/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/178/1995-आईआर (सी -I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1404.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1,

Dhanbad (Ref. No. 35 of 1996) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/178/1995-IR (C-I)]

M. K. SINGH, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

#### Reference No. 35/1996

Employer in relation to the management of Saunda D Colliery of M/s. CCL

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 22/02/2017

#### AWARD

By order No. L-20012/178/1995-IR(C-I) dated 26/07/1996, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

**“Whether the action of the management of Saunda D Colliery of M/s CCL in terminating the services of Sh. Sarjoo Bedia, Ex- Loader and refusing to take him back in service alongwith full back wages is justified or not ? If not, what is the proper relief the concerned workman is entitled to?”**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1405.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 10/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/23/1995-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1405.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 10 of 1996) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/23/1995-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

**Reference No. 10/1996**

Employer in relation to the management of Loyabad Colliery of M/s. BCCL

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 21/04/2017

**AWARD**

By order No. L-20012/23/1995-IR(C-I) dated 29/01/1996, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the Management of Loyabad Colliery of M/s BCCL in superannuating Shri Moti Mallah, Miner Loader w.e.f. 01/07/1992 is justified? If not, to what relief Shri Mallah is entitled?”**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1406.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 12/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/22/1995-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1406.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 12 of 1996) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/22/1995-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

**Reference No. 12/1996**

Employer in relation to the management of K.O.C.P., Kusunda Area of M/s. BCCL

AND

Their workman

**Present :** Shri R. K. Saran, Presiding Officer

**Appearances:**

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 21/04/2017

**AWARD**

By order No. L-20012/22/1995-IR(C-I) dated 29/01/1996, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the management of Dhansar/ KOC P under Kusunda Area No. VI of M/s. BCCL is justified in not allowing the re-assessment of the age of Shri Rampati Mahato, Haulage Operator? If not, to what relief is the concerned workman entitled ?”**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1407.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 41/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार का 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/92/2015-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1407.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 41 of 2015) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/92/2015-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

**Reference No. 41/2015**

Employer in relation to the management of Sijua Area of M/s. BCCL

AND

Their workman

**Present :** Shri R. K. Saran, Presiding Officer

**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri K.K. Pandey, in person

State : Jharkhand

Industry : Coal

Dated : 26/04/2017

**AWARD**

By order No.-L-20012/92/2015 IR (C-I), dated. 17/09/2015 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub –Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Basudeopur colliery under Sijua Area of M/s. BCCL in dismissing Sri K.K.Pandey, Ex- PR-M/Loader from the service vide letter dated 15.09.2004 is fair and justified? To what relief the concerned workman is entitled to?”**

2. The case is received from the Ministry of Labour on 01.10.2015 After receipt of reference , both parties are noticed. The workman files their written statement on 12.02.2016. And the management also files their written statement -cum-rejoinder on 06.09.16. Thereafter rejoinder and document filed by both side. The point involved in the reference is that the workman has been dismissed from his services on absentism.

3. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence.

4. During preliminary hearing it is revealed that the case is dismissal of workmen for long absence. But he has already out of service for 13 years. It is felt to give another chance to the workman to serve .

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee as general mazdoor. But the workman be kept under probation for a period two years. Therefore the question of giving back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1408.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 37/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/75/2015-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1408.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 37 of 2015) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/75/2015-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

**Reference No. 37/2015**

Employer in relation to the management of Sijua Area of M/s. BCCL

AND

Their workman

**Present :** Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri B.B. Pandey, Advocate

State : Jharkhand

Industry : Coal

Dated : 26/04/2017

**AWARD**

By order No.-L-20012/75/2015 IR (C-I), dated. 26/08/2015 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Keshalpur Colliery under Katras Area of M/S BCCL in dismissing Sri Naina Deswali, Ex- M/Loader from the service w.e.f 31.07.96 as fair and justified? To what relief the concerned workman is entitled to?”**

2. The case is received from the Ministry of Labour on 07.9.2015 After receipt of reference , both parties are noticed. The workman files their written statement on 23.11.2015. And the management also files their written statement -cum-rejoinder on 28.06.16. Thereafter document filed by both side. The point involved in the reference is that the workman has been dismissed from his services on absenteeism.

3. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence.

4. During preliminary hearing it is revealed that the case is dismissal of workmen for long absence. But he has already out of service for 21 years. It is felt to give another chance to the workman to serve .

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee as general mazdoor. But the workman be kept under probation for a period two years. Therefore the question of giving back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1409.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 170/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/214/1996-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1409.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 170 of 1997) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/214/1996-IR (CM-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10(1) (d) (2A) of I.D. Act, 1947

**Reference No. 170/1997**

Employer in relation to the management of M/s. CCL Ranchi

AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated : 24/04/2017

**AWARD**

By Order No. L-20012/214/1996-IR(C-I) dated 18/09/1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Union that Sh. M.S. Verma is entitled for placement in Technical Grade ‘E’ is Justified? If so, Whether S/Shri M.S. Verma, P.K. Choudhary, Tripurari Prasad, Bajendra Prasad, Ramesh Kumar Dwivedi, Sahdeo Manjhi were eligible for notional seniority as per cadre scheme? If so. To what relief are these workmen entitled?”**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the workmen, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 1 जून, 2017

**का.आ. 1410.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 58/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.05.2017 को प्राप्त हुआ था।

[सं. एल-20012/39/1992-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st June, 2017

**S.O. 1410.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 58 of 1992) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 25.05.2017.

[No. L-20012/39/1992-IR (CM-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of a complaint u/s 33(a) of ID ACT, 1947**Complaint No. 6/2013**(Arising out of Ref. No. 58/92)Ministry Order No. 20012/39/92-IR (C-1)

Binod Rajak &amp; 58 Ors

...Complainants

**Vrs.**

Project Officer, Swang Washery M/s. CCL

...Opposite Party

**Present :** Shri Rajan Kumar Saran, Presiding Officer**Appearances :**

For complainant : Shri D. Mukherjee, Advocate

For Opposite Party : Shri D.K. Verma, Advocate

Industry :- Coal

Dated 21/04/2017

**AWARD**

1. This complaint is filed by the complainant collectively in behalf of all the 58 workmen. After receipt of the complainant, both parties are noticed. The complaint Mahendra Rajak files an application U/s. 33A of the I.D. Act, that during the pendency of the lis Reference No. 58 of 1992, the management/Opp. Party has started disciplinary proceedings against them without permission of the Tribunal, and seek redress to restore their job.

2. It is also submitted by the complainant the award of Ref. 58 of 92 passed on 03.10.1995 in which Opp. Party/management is directed to regularise the services of the concerned workmen w.e.f. 11.12.1990. The award was confirmed by the single bench of High Court, Division Bench as well as confirmed by Hon'ble Supreme Court being reporting in L.L.N. 2001 (4) 135 and the judgement was delivered in 30.08.2001.

3. It is further submitted by the complainant that ultimately seeing no other alternative the management/Opp. Party agreed to provide service to the concerned workmen with intention not to provide employment to the concerned workmen. The judgement of the Hon'ble Supreme Court after determining the exact age of persons still then the so-called medical officer determined the exact age of the persons, then the concerned workmen were issued chargesheet by management in the year 2012 in the alleged ground of giving false information regarding age by invoking clause 26.9 of the standing order.

4. During the pendency of LC Application No. 10 of 2003 which is also arising out of Ref. 58/92, the management changed the service condition of the concerned workmen by issuing chargesheet and by conducting enquiry and the management is contemplating to dismiss the concerned workmen from service that too without taking any prior approval of the Tribunal so that the complainant prays to quash the chargesheet and not to proceed the enquiry and not to dismiss the workmen from services till the pendency of the case as mentioned above.

5. On the other hand management submitted that the lis i.e. reference case already been exhausted after it is travelling to High Court to Apex Court and the management implemented the award as per the memorandum of settlement.

6. It was the settlement that as per identification of Union leader, the workmen will be taken to job and some of them have been taken. It further submitted that serious allegation received, that the workmen appointed as per award were not real beneficiary. Many fake persons entered into job in the name of persons in the award even changing their names and father names for which the management started disciplinary enquiry against many and stop giving employment to rest.

7. It is also submitted by the Opp. Party that the complainant were submitted prescribed format and claimed themselves as beneficiaries of the award. After implementation of the award the opp/Party received complaints from the various corner regarding the complainant that the complainant are not the real workmen concerned of Ref. Case No. 58/92 and are not bona fide beneficiary, accordingly the opp/party constituted a committee for examination of disputed identity of the applicant.

8. The committee after examination the matter submitted its report mentioning therein that the complainants submitted false information regarding their name, father's name, address. And age etc and fraudulent obtained



employment in CCL. Accordingly proceeded for misconduct under and fraudulently obtained employment in CCL. Accordingly Proceeded for misconduct under clause 26.9 and 26.22 of the certified standing order, the opp/party issued charge sheets to applicats. The issuance of chargesheet for commission of misconduct is not change of service condition of an employee.

9. During the penency of the case one Mahendra Rajak tried to intervene stating that he is real beneficiary and not the persons who is in job as Mahendra Rajak. Though he was not impleaded as party, the Management was asked to enquire into the matter. During the final hearing the socalled intervener filed the order of the management that said Mahendra Rahak was dismissed from job on the ground of impersonator and fraud. This being the situation there is malafides in giving appointment also.

10. But from the case it reveals that the M.O.S. has not been entered into in clean hands and which is the out come of ingenuness and fraudulent act. Though this Tribunal thought that the MOS was genuine now it not like that. The case is of 1992, question of impersonation is prima facie seen.

11. Hence the management is directed to remove all the workman who are in employment on the basis of MOS pending enquiry. As directed by Highier Court all parties may approach this Tribunal for proper identification and to restore Industial peace. For this delicate issue, the Tribunal also proceeded to spot for a circuit and to hear the matter and also took evidence as adduced by the parties, there.

12. Considering the facts and circumstances of this case, I hold that the application filed by the complainant is rejected. The Opp. Party is to act upon the award soon after it is published in the official gazettee, since fraud has no legs to stand for a longer time.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 2 जून, 2017

**का.आ. 1411.**—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, श्रम और रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

01. शाखा कार्यालय, कर्मचारी राज्य बीमा निगम, छेहरटा, पंजाब
02. खान सुरक्षा उप-महानिदेशक का कार्यालय, बैंगलुरु, कर्नाटक

[सं. ई-11016/1/2017-रा.भा.नी.]

देवेन्द्र सिंह, आर्थिक सलाहकार

New Delhi, the 2nd June, 2017

**S.O. 1411.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies following offices under the administrative control of the Ministry of Labour and Employment, more than 80% Staff whereof have acquired working knowledge of Hindi.

01. ESIC Branch Office, Chheharta, Punjab
02. O/o Deputy Director General of Mines Safety, Bengaluru, Karnataka

[No. E-11016/1/2017-RBN]

DEVENDER SINGH, Economic Adviser

नई दिल्ली, 7 जून, 2017

**का.आ. 1412.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जुलाई, 2017 को उस तारीख के रूप में नियत करती है, जिसका उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले हो प्रवृत्त हो चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध हरियाणा राज्य के निम्नलिखित जिलों में प्रवृत्त होंगे, अर्थात् :—

“जिला फतेहाबाद, पलवल, भिवानी, चरखी दादरी, जिंद, सिरसा, झज्जर, हिसार, सोनीपत, रोहतक, मेवात (नुह), महेन्द्रगढ़, गुड़गांव, रिवाड़ी, अंबाला, पानीपत, करनाल, कुरुक्षेत्र, कैथल, पंचकुला एवं यमुना नगर के संपूर्ण क्षेत्र (पहले से व्याप्त क्षेत्रों को छोड़कर) ”

[सं. एस-38013/10/2017-एस.एस.-I]

अजय मलिक, अवर सचिव

New Delhi, the 7th June, 2017

**S.O. 1412.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following entire districts (including already implemented areas) in the State of **Haryana** namely:-

“Whole district of Fatehabad, Palwal, Bhiwani, Charkhi Dadri, Jind, Sirsa, Jhajjar, Hisar, Sonapat, Rohtak, Mewat (Nuh), Mahendragarh, Gurgaon, Rewari, Ambala, Panipat, Karnal, Kurukshetra, Kaithal, Panchkula and Yamuna Nagar excluding the area which are already implemented”

[No. S-38013/10/2017-S.S.-I]

AJAY MALIK, Under Secy.